IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§		
	§		
Plaintiff,	§		
	§		
v.	§	CASE NO.	7:18-CV-303
	§		
26.000 ACRES OF LAND, MORE OR	§		
LESS, SITUATE IN HIDALGO COUNTY,	§		
STATE OF TEXAS; AND THE PHARR	§		
ORATORY OF ST. PHILIP NERI OF	§		
PONTIFICAL RITE, A TEXAS	§		
NON PROFIT CORPORATION,	§		
	§		
Defendants.	§		

AGREED ORDER ON PLAINTIFF'S OPPOSED MOTION FOR IMMEDIATE POSSESSION

After considering Plaintiff's Opposed Motion for Immediate Possession, the response, and after a hearing, the Court hereby

1. GRANTS the United States motion; that its officers, employees, agents, and contractors shall have the right to enter upon the Property for the purpose of conducting environmental assessments and property surveys, including the right to temporarily store, move and remove necessary equipment and supplies; survey, stake out, appraise, bore and take soil and/or water samples, and perform any other such work which may be necessary and incidental designed to help secure the United States/Mexico border within the State of Texas for a period of twelve (12) months. The easement acquired by the United States will begin immediately and will end on December 12, 2019. Additionally, the United States is granted the right to trim or remove any vegetative or

structural obstacles (such as posts, etc, but not building structures) on the property that

interfere with the aforementioned purpose and work.

The Court further ORDERS:

2. The United States will give Defendant seventy-two (72) hours notice by e-mail, to

David Garza, attorney for the Pharr Oratory, at dgarza@garzaandgarza.com, prior to

entry upon the land. The Defendant will have forty-eight (48) hours to notify the

Government that entry upon the land as noticed by the Government is not possible due

to a conflicting event to be held on the Property. If the Defendant invokes this right of

conflict on two occasions, the Government may then enter the property with seventy-

two (72) hours notice, but defendant will not be entitled to object or prevent entry.

3. Separately, the government agrees that it will not enter the land at the following days:

Saturday, Sunday, or Christmas, April 18, 2019 and April 19, 2019.

4. All tools, equipment, and other property taken upon or placed upon the land by the

Government shall remain the property of the Government. No tools, equipment, or

other property will be stored upon the land by the government, except when in actual

or imminent use. All property will be removed after the survey and assessment

easement work is completed within one week.

Signed on this _____, 2018.

Randy Crane United States District Judge

APPROVED & ENTRY REQUESTED:

RYAN K. PATRICK

United States Attorney Southern District of Texas

By: <u>s [John a. Smith, JJJ</u> JOHN A. SMITH, III

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E-mail: jsmith112@usdoj.gov Attorney in Charge for Plaintiff

/s/ David C. Garza

DAVID C. GARZA (Attorney in charge)

Texas State Bar No. 07731400 Southern District of Texas ID No. 3778 dgarza@garzaandgarza.com GARZA & GARZA, L.L.P. 680 East St. Charles, Suite 300 P.O. Box 2025

Brownsville, Texas 78522-2025 Telephone: (956) 541-4914

Fax: (956) 542-7403 Attorney for Defendant

The Pharr Oratory of St. Philip Neri of Pontifical Rite

CERTIFICATE OF SERVICE

I, John Smith, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on December 18, 2018, I sent a true and correct copy of the foregoing document via ECF to the all parties still remaining in this case.

By: s/John a. Smith, III_

JOHN A. SMITH, III

Assistant United States Attorney